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SUBJECT: G/TIP AMBASSADOR LUIS CDEBACA'S JULY 6-10 VISIT TO SOUTH AFRICA

REF: A. PRETORIA 298

[1B](#). PRETORIA 271

[1C](#). JOHANNESBURG 99

Summary

[11](#). (SBU) In his first country visit as G/TIP Director, Ambassador Luis CdeBaca met on July 6-7 and July 9-10 with South African government officials; police, prosecutors, and judges; civil society organizations and G/TIP grant recipients; and radio and newspaper reporters regarding the country's efforts to combat Trafficking in Persons (TIP). South Africa's recent removal from G/TIP's "Watch List" reflects multiple areas of progress explored during the visit: legislative groundwork, intersectoral coordination mechanisms, law enforcement "task teams," awareness and training programs, and victim care. Interlocutors underscored, however, that more effort is still needed to educate and energize law enforcement, to root out corruption, and to acknowledge and address forced labor and labor trafficking. Passage of the pending TIP law and criminal convictions in ongoing TIP cases are particularly key milestones in order for South Africa to remain off the Watch List. End Summary.

EC: Slow Progress, Possible DoJ Lead

[12](#). (SBU) As South Africa's main anti-TIP donor, European Commission (EC) officials described their experience as a mixed one, of start-up frustrations but also of outcomes due this year at last. With total funding of 6.3 million euros (US\$ 9 million), the TIP program in South Africa is the EC's largest worldwide, spanning four components of capacity building, awareness, research, and intersectoral coordination. Operations Head Gerard McGovern said the grant format of funding created administrative headaches with the National Prosecuting Agency (NPA)'s Sexual Offences and Community Affairs (SOCA) unit, where the capacity of just two TIP staff was limited. (When their boss was out of town, "it all stops.") Now after much "handholding," said McGovern, "we are over the hump and ready for action." By year-end, the EC's awaited outcomes included extensive train-the-trainer sessions, an accredited TIP curriculum, sensitization of media and other stakeholders, and initial research data.

¶3. (SBU) Program Manager Caroline Valette-Landry advised that the programs' slow progress might cause the SAG to elevate TIP organizationally, as well as prompt the EC to reconsider its assistance. While the NPA had shown "strong ownership" on TIP, its intersectoral coordination was especially lagging. The EC felt a change was afoot, whereby the Department of Justice (DoJ) would take over the lead on TIP from the NPA. (Note: Later corroborated by the DoJ's Advocate Shireen Said, this shift would be in line with the more expansive coverage of the coming TIP law, which extends far beyond the SOCA's gender violence focus. End Note.) For the EC's part, an upcoming mid-cycle review would question the continuation of funding to a mid-income country. Valette-Landry was exasperated by the NPA's expectation that the EC foot every TIP expense with no cost sharing. Noting that current SAG budgets did not provide for TIP, despite the pending TIP Bill's requirements, her view was that "foreign donors shouldn't pour in more money until the South African government invests some too." "Government invests some too."

TIP Law: SAG Hopes to Pass This Year

¶4. (U) Authorities assured us the pending TIP Bill could be put to vote this year. The Bill's public comment period was extended until the end of July due to robust volumes of inputs and interest. Deputy Justice Minister Andries Nel said the new Parliament was in recess after April's elections, but the Minister would introduce the Bill for debate after August, aiming to "have it in place by 2010."

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Answering the Ambassador's concern that anti-TIP momentum could drop off after the 2010 World Cup, Nel asserted the contrary: "2010 is a catalyst, but this is a long-term process requiring new structures -- and those will endure." Law Reform Commission (SALRC)'s Lowesa Stuurman echoed Nel's forecast, saying "The commitment is there.... (T)here is no reason why it should not pass this year." Having seen other bills bog down in implementation, Stuurman stressed that all affected SAG agencies had been thoroughly consulted on the TIP Bill to ensure advance agreement.

NPA's Inter-Sectoral Planning Plans

¶5. (SBU) The SAG's lead officer on TIP, the NPA's Advocate Thoko Majokweni, hosted for the Ambassador's benefit a special session of its Inter-Sectoral Task Team, presenting interagency progress and priorities against TIP. EC-funded research was about to commence, a third provincial task team was launched, and a baseline study for an awareness campaign was complete. The National Action Plan, (re-)launched in May, had identified need areas such as data collection into a central data base, improved border control, public awareness, national coordination, strategies for international events (like the World Cup), measures against corruption, witness protection, public education, and regional coordination. Team members from various SAG agencies, the International Organization for Migration (IOM), and UN Office on Drugs and Crime (UNODC) added remarks after the NPA's. Ambassador CdeBaca concurred with the emphasis on interagency collaboration.

"Task Teams": Promising, but Fledgling

¶6. (U) Kwa Zulu Natal (KZN) established the SAG's first provincial task team, against the odds given widespread ignorance on TIP, and KZN remains the jewel in the NPA's crown. (Two task teams have followed in Western Cape and lately in Limpopo, but the remaining six provinces lag far

behind.) Durban member and Organized Crime Unit (OCU) police investigator Abi Dayanand said he stumbled upon the topic of TIP in 2007, via a high-profile case of sexually exploited Thai women. He and his colleagues educated themselves on TIP using any source they could find, from NGOs to TV dramas. They applied whatever statutes could stick, from heavyweight organized crime acts to minor bylaws (like massage parlor regulations). OCU's collaboration with local prosecutors and social workers grew organically from individuals' shared commitment. As the EC's Valette-Landry described, "KZN has always been unique... you can see even in their body language that they are a close-knit group."

¶7. (U) KZN's model will be hard to replicate and still faces uphill challenges. Cooperation hinges on individual members' passion and commitment, and interpersonal chemistry which cannot be mandated from Pretoria. The team has only seven police investigators across the province, who are not full-time allocated to TIP but rather network informally on their own initiative. Despite the complexity of TIP, Dayanand says his OCU unit can only handle it on a "7:30 to 4 pm" basis. Advocate Val Lotan, the KZN team's pioneering prosecutor, also stressed the need for TIP-dedicated Oprosecutor, also stressed the need for TIP-dedicated detectives. From both workload and ignorance, police failed to dig deeply to differentiate between TIP and prostitution, and hence the cases coming to light were only the "tip of the iceberg." She also noted that better surveillance equipment was required, since syndicates had evolved to a level of sophistication beyond that of the police. Despite the hurdles, Lotan was upbeat: "Give us six months -- set us a deadline -- and we will produce results. We are already doing so, with very limited resources."

Training -- Needs and Hurdles

¶8. (SBU) The need for expanded TIP education for government officials, social workers, media, and the public on TIP was commonly cited. Within the EC-funded initiatives, the IOM

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has the lead on running train-the-trainers sessions and drafting an accredited generalist curriculum. Within the judiciary, the International Association of Women Judges (IAWJ) is using G/TIP grant funding for an "interdisciplinary event" to sensitize judges and magistrates. Embassy Pretoria staffer Marcel Ramkishun noted that only DHS/ICE is offering full courses of a law enforcement caliber, from lead generation to investigation to intelligence gathering through to trial testimony. Advocate Lotan cited such specialist training as the number one need of prosecutors. Embassy advisor Willie Pannell noted that the USG had contractually committed -- via the Third Amendment to the Letter of Agreement (ALOA) signed by the USG and SAG in September 2007 -- to provide anti-TIP training to South African police and prosecutors under State/INL's Women's Justice and Empowerment Initiative (WJEI), but INL was now retreating from areas it felt belonged to G/TIP.

¶9. (SBU) Beyond training, sources cited a slew of hurdles to police effectiveness, particularly widespread corruption. Detective Dayanand said that many cops still stigmatized prostitutes, not treating them as human beings. ICE's Ramkishun warned of conflicts of interest, stemming from racial divides within the force or police reliance on brothels as informants. Police were allegedly regular patrons of prostitutes, and some retired SAPS officers are said to own and/or manage large brothels in cities like Johannesburg. Ramkishun explained how corrupt immigration officials canceled TIP victims' visas, so that police were accused of harboring illegal aliens, with the result that potential witnesses were deported at SAG expense. Traffickers, notably Chinese syndicates, were believed to wield great power within the police services. The

Immigration Liaison (SAIL) team at Johannesburg airport said traffickers had agents within immigration, airlines, and police. Corruption dampened political will to launch undercover operations, and factions at the airport might work against one another rather than together.

Victims' Assistance: From GBV to TIP

¶10. (U) South Africa's high prevalence of gender violence has over time generated broad expertise in victims' assistance, which is now being expanded and adapted to the specific needs of TIP victims. Joan Groenwald of the DSD's Victim Empowerment unit explained that DSD had drafted guidelines for launch this month on care of victims of TIP and domestic violence by service providers, which include 105 shelters registered by DSD of which all but nine are privately run. (Note: the EC's McGovern said the UNODC had provided 20 million euros to Victim Empowerment, and that the NPA had received parallel funding from UNICEF.) DSD had also submitted terms of reference to the NPA on victim rehabilitation strategies, but it lacked funding to implement such measures. Most foreign victims were repatriated, with currently only one TIP victim remaining in the SAG's witness protection program.

¶11. (U) The G/TIP visitors met with three U.S.-funded organizations active in victims' assistance. The first was Ikhaya Lethemba, a state-run USAID-funded center sheltering OIkhaya Lethemba, a state-run USAID-funded center sheltering all manner of women and children abuse victims, including TIP victims under Victim Empowerment directives still being drafted by local government. Local NGO Khulisa explained that churches were the main haven for victims, although like Ikhaya Lethemba they were only newly learning to recognize signs of TIP. Under a State/DRL grant, Khulisa formed a community collaborative in an inner-city neighborhood of Johannesburg, to encourage awareness and networking among service providers. Its data base of local services is a model for a new DSD initiative to compile a National Directory of anti-TIP resources. World Hope South Africa (WHS), a recent G/TIP grantee, will soon undertake prevention training, awareness activities (such as roadshows and theater), and training in aftercare, where WHSA uses "life maps" and "memory books" as therapy tools to release trauma.

2010: Strategies Underway

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¶12. (U) The 2010 FIFA World Cup is spawning a flurry of anti-TIP preparations, including an overall 2010 Strategy under the NPA's auspices. Durban's Advocate Lotan described awareness campaigns that would include billboards, videos and films (including "Taken" and "Human Trafficking"), posters, and community workshops. Local NGO and G/TIP grantee Molo Songololo's Patric Solomons said Cape Town would have child monitors in known hotspots like nightlife areas, taxi ranks, and bus stations. He described a DSD-drafted 2010 Child Protection Framework which FIFA would be asked to endorse officially for SAG funding, since the SAG has yet to spend any money on 2010 anti-TIP activities. Molo was lobbying the Department of Education to stagger school closures and to provide safe activities for idle kids. The DSD's Gyan Dwerika described how this year's Confederations Cup had provided a trial run for next year's World Cup, with provinces drawing up action plans and mobilizing anti-TIP teams. Guidelines were issued on how to identify children being recruited, and police were trained as spotters of suspicious activity. Police presence was visible around game parks, complemented by on-site stewards and volunteers.

Forced Labor Remains a Blind Spot

¶13. (SBU) In a week of meetings amply demonstrating South Africa's broad concern and commitment to combating TIP, the one stand-out exception was denial of the problem by labor authorities. The Department of Labor (SADOL)'s Deputy Director General Les Kettledas cited the country's high rate of unionization as a deterrent to TIP in large-scale formal sectors such as mines or commercial farms. The International Labor Organization (ILO)'s Regional Director Vic Van Vuuren added that exporters steered clear of illegal practices for fear of international boycotts. Van Vuuren said a nearly unlimited supply of migrant workers came voluntarily, especially from Zimbabwe, and exploitation on farms was a greater issue than TIP. (The Ambassador noted that even voluntary arrivals can fall prey to enslavement.) When a subordinate pointed to past cases of domestic servitude, Kettledas countered that South Africa's 600,000 domestic workers were formally employed and heavily regulated, and that the (unimplemented) Children's Act outlawed child TIP. "We don't expect to find that phenomenon here," he said. "It's not like Zambia."

¶14. (SBU) Pressure may build on SADOL to confront the reality of forced labor. The subordinate silenced by Kettledas later acknowledged to the Inter-sectoral Task Team that the informal labor sector was a "monitoring gap." Abuses were sometimes neglected on pretexts of cultural practices or intra-familial "chores." (The Ambassador remarked that such excuses are common when prosecutors simply wish to drop a case, but they are easily rebutted.) Molo's Solomons said there were "endless problems" getting labor inspectors to do their jobs, and forced child labor was rampant. Labor officers are in acutely short supply, and IOM explained that inspectors' 18-question survey limited the scope of their probes. Groups like Molo Songololo and IOM continue to discover and document cases of forced labor, Qcontinue to discover and document cases of forced labor, however, and the NPA's Majokweni conceded to us that labor TIP was under-investigated and underpublicized. Van Vuuren has repeatedly urged the USG to fund an ILO program to boost South Africa's woeful labor inspectorate (ref C).

Time to Move From Plans to Action

¶15. (SBU) COMMENT: South Africa is at a turning point, where it must begin to translate planning into action. As Ambassador CdeBaca commented, the time for meetings and plans is past; it is time to achieve observable outcomes such as victims rescued and criminals jailed. After signing the Palermo Protocol on TIP in 2000, the country must urgently push through passage of the TIP Bill. With no trafficking-related case resulting in a sentence for TIP offenders since mid-2006 (and prior to that in 1996), the NPA must press for convictions and meaningful sentences for the

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16 traffickers apprehended and charged in the last year. The law and punishment of traffickers are essential milestones for South Africa to remain off the G/TIP Watch List. The Ambassador made very clear to the NPA's Majokweni that countries can fall back as well as advance in those rankings.

End Comment.

CONNERS